

plot, and that the crime mentioned was committed by said rioters then all are equally guilty, although the jury may not believe that they personally placed the spikes on the tracks.

V. The jury are instructed that a riot is a tumultuous meeting of three or more persons who actually do an unlawful act with violence or even a lawful act in a violent and tumultuous manner which is calculated to excite public terror.

VI. If the jury believe from the evidence that there was a plot with the man Newman that causing obstructions should be put on the tracks of the company at a certain time and place; that the company in furtherance of the designs put all of the passengers off of the car and through its motorman and conductor carried out the instructions of the obstruction, the said obstruction being known to the conductor and motorman—even though the plan was to entrap evil-doers, they cannot convict the defendants of the crime charged in this indictment, which is maliciously placing an obstruction on the track by which it is actually in peril.

Asked for Acquittal.

Judge Richardson now arose and addressed the jury briefly. He said he had always endeavored to be frank and honest with juries, and he proposed to preserve this unbroken rule now.

He would not ask a jury to pass upon an issue involving the life or liberty of citizens upon a half told tale. The jury in this case had heard all the evidence save that of Hanks and Newman, who could not be gotten, though every effort had been made to apprehend them.

The Commonwealth's Attorney briefly reviewed the instructions, and said again that he desired to be frank with the jury and that he must say to the jury that the evidence adduced by the law on the trial does not establish the crime charged in the indictment.

He, therefore, asked the jury to find the prisoners not guilty.

Made Frank Speech.

Judge Richardson's frank speech in full is appended here:

Gentlemen of the Jury: Perhaps you do not know the fact, but it is a fact, that for three or four hours on Saturday we were here awaiting the instructions of the law. It is a fact, and one in which the law should be held down and clearly defined. These instructions are to guide you in this case. I have always endeavored to be frank and honest with the jury. I have never, since occupying this position, been in a case where I have not been frank and honest with the jury. I have never, since occupying this position, been in a case where I have not been frank and honest with the jury.

May Set a Trap.

If a man has suspicion that a crime is about to be committed, there is nothing legally or morally wrong in setting a trap for him. It is not a crime for a person to set a trap for a criminal. You have heard all the evidence in this case, and some of these questions do not arise. I will now under the instruction of the court.

The court tells you, first, that you cannot convict under this indictment of a riot.

The court tells you, further, that you cannot convict of the felony charged in this indictment, which is maliciously placing an obstruction on the track, unless you find that it was maliciously done, and second, that the obstruction was placed by that act of obstruction impermissible. I have never seen the instructions which I have just read until they were handed to me by Judge Richardson. I have never seen the instructions which I have just read until they were handed to me by Judge Richardson. I have never seen the instructions which I have just read until they were handed to me by Judge Richardson.

Nolle Prosequit.

Clerk Christian wrote out the verdict and it was signed by the foreman, the jury not leaving the box. It was simple, and read as follows: "We, the jury, find the prisoners not guilty." There was no semblance of demonstration, but it was fully prevented by the positive order of the court. The jury then adjourned at 11:20 o'clock. Immediately after Judge Richardson's brief speech, and a few moments later the jury was thanked by His Honor and discharged for the term.

Judge Richardson asked that a nolle prosequi be entered in the case of Lammey, Jordan and the Kane boys, and to the obstruction of the tracks, which was promptly acquiesced in by the court, and the order was entered accordingly. Upon the charges of throwing stones and setting off cars all the prisoners were held in the city jail until the September term of the court.

Lammey's and Jordan's bonds were renewed, the bail being reduced from \$1,500 to \$500 each, and the Kane boys were held in the city jail until the September term of the court.

Just before court adjourned Judge Richardson received information that repeated efforts had been made through the police to communicate with Newman, and that Hanks, who are supposed to be in New York city, but that so far they had not been reached.

The verdict of the jury and the instructions of the court in the case of Lammey, Jordan and the Kane boys, and the result reached was anticipated by most of those who had followed the cases and heard the evidence.

SKILLFUL OPERATION.

Plot of Blood Removed from Brain of Edward Benton.

A delicate operation was performed at the City Hospital by residents, Dr. Preston Sytle and Rex and Dr. Nuckolls, who removed a clot of blood from the brain of Edward Benton, a man about twenty years old.

When Benton was about ten years old he was hit on the head with a brick, and ever since he had suffered until it was feared he would lose his mind. Last week the young man was removed to the hospital for treatment.

The operation necessitated a removal of a small portion of the skull, which revealed the clot of blood in the brain. The clot was removed without the slightest injury to the brain, and the small piece of skull was restored. The patient was reported as feeling very last night with all chances of recovery.

Typists in Washington.

(Special to The Times-Dispatch.) WASHINGTON, Aug. 10.—A delegation from Richmond to Washington, attending the I. O. U. arrived here safely after having a grand time.

Messrs. Andrew B. Evans and Henry Meyer, representatives, were in convention here.

Among the party from Richmond are Mr. Thomas P. O'Keefe and wife, Messrs. W. M. B. Cense and Floyd B. Meyer.

City Committee.

The City Democratic Committee will meet on Friday night for the purpose of further arranging the details of the legislative primary, to be held on September 22.

Tonight.

Just before retiring, if your liver is sluggish, out of tune and you feel drowsy, constipated, take a dose of Hood's Pills.

And you'll be all right in the morning.



Don't let Mr. O'Fleet Scrambling all over the heat. Come here for your clothes. From your head to your toes. And you'll be comfortable, cool and complete.

To-day 22 Homespun Suits—odd sizes and 40 Outing Suits—all sizes, at \$7.50.

(Some were \$10—a few were \$12.50.)

Serge Coats, blue or black, \$3.50.

It's the purchasers' harvest-time here now in Negligee Shirts.

O. H. Berry & Co.
MEN'S & BOYS' OUTFITTERS

HIGHLANDER TOOK CATSKILL STAKES

Fair Weather, Slwo Track and Small Fields at Saratoga.

(By Associated Press.)

SARATOGA SPRINGS, N. Y., August 10.—Fair weather, a slow track and small fields prevailed at the seventh day of Saratoga race meeting. The attendance was good.

The stake event, the Catskill, was taken by R. T. Wilson, Jr.'s, Highlander, with Redfern up. Considerable interest was devoted to the steeplechase handicap, J. W. Holt's Amy, won it by a head from T. H. Hatcher, Jr.'s, Fox Hunter, in a driving finish. Young Grace died from the injuries received in a collision with Holland.

First race—five and a half furlongs—Grubade (5 to 1) first, Gracie (6 to 1) second, Hippocrite (5 to 1) third. Time, 1:11.

Second race—steeplechase—Amur (5 to 1) first, Fox Hunter (2 to 1) second, Caller (3 to 1) third. Time, 4:06 2-5.

Third race—the Catskill, seven furlongs—Highlander (2 to 1) first, Elsie L. (3 to 1) second, The Musketeer (3 to 1) third. Time, 1:32.

Fourth race—one mile and a quarter—Circus (1 to 1) first, Irisable (13 to 5) second, Caribuncle (2 to 1) third. Time, 2:24.

Fifth race—six furlongs—Wootan (6 to 1) first, Revellie (5 to 5) second, Cascale (even) third. Time, 1:29 2-5.

Sixth race—mile and a sixteenth—Cundrum (4 to 5) first, Florham Queen (2 to 1) second, Easy Street (20 to 1) third. Time, 1:52.

Seventh race—three miles—Wright (5 to 1) first, Lady Matchless (10 to 1) second, Warte Niet (6 to 1) third. Time, 14:14.

Eighth race—five furlongs—Nannie Hodge (6 to 5) first, Witchcraft (3 to 1) second, Determination (10 to 1) third. Time, 1:26 2-5.

Ninth race—mile—Cornwall (3 to 1) first, C. Campbell (6 to 1) second, O'Hagin (7 to 1) third. Time, 1:41 4-5.

Tenth race—mile—George Muscovite, won in two straight heats; Morris, second; Prince Greenlander, third. Time, 2:04.

Eleventh race—mile—Donna McGregor won second and fourth heats and race; third heat, second; Jessie S., third. Best time, 2:06 1-2.

BIG AUCTION SALE

Handsome Household Furniture and Bric-a-Brac to Be Sold.

The Valentine Auction Co. will auction off a quantity of household furniture and bric-a-brac at No. 4 East Clay Street this morning at 10:30 o'clock.

The articles to be sold consist of almost every conceivable kind of household furniture, including china, stoves, carpets, pictures, curtains, piano, mirrors, rug, dining room, kitchen and chamber furniture and furnishings. The cause of the sale is the fact that the owner has sold his residence and is going out of business.

Eagles' Ball Game.

Accompanied by a large number of friends, Richmond (Dixie) Seals of Eagles will go to Norfolk tomorrow morning for a third trial, and a game of ball will be played between teams of Eagles from the two cities, and a great contest is expected.

Big arrangements have been perfected for the reception of the visitors and all who go anticipate a big time.

Batson Will Hang.

(By Associated Press.) NEW ORLEANS, La., Aug. 10.—Governor Heard has declined to interfere in the case of A. E. Batson, for murder of several members of the East family. Batson will hang on Friday at Lake Charles.

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City Committee.

THE DAY ON THE DIAMOND

Records of the National and American Leagues.

CHAMPIONS WON A GAME

Defeated at St. Louis by Score of Seven to Four—Giants Won from St. Louis. Philadelphia-Boston Game Called on Account of Rain.

Scores Yesterday.

New York 3, Brooklyn 1. Pittsburgh 7, St. Louis 4.

Where They Play To-Day.

Boston at Philadelphia. New York at Brooklyn.

Standing of the Clubs.

Pittsburgh Won. Lost. P.C. 52 32 .619

New York 58 26 .688

Chicago 58 26 .688

Cincinnati 51 45 .531

Brooklyn 51 45 .531

Boston 51 45 .531

St. Louis 35 62 .361

Philadelphia 31 61 .337

NATIONAL LEAGUE

GAMES YESTERDAY

At Pittsburgh: Falkenberg was wild, but kept hits scattered.

Pittsburgh 20 0 0 0 1 10 7 12 2

St. Louis 0 0 0 0 1 12 0 4 6 5

Batteries: Falkenberg and Weaver, McFarland and O'Neil. Time, 1:50. Umpire, O'Day. Attendance, 3,230.

At Brooklyn: The New Yorks followed up their double win of Saturday by defeating Brooklyn to-day.

New York 2 0 0 0 0 0 1 0 3 8 2

Brooklyn 0 0 0 0 0 0 0 0 1 1 5 2

Batteries: Mathewson and Warner; Schmidt and Jacklich. Time, 1:53. Umpire, Hurst. Attendance, 4,700.

AMERICAN LEAGUE

GAMES YESTERDAY

Scores Yesterday.

New York 6, Washington 1. Boston 7, Philadelphia 2.

Cleveland 10, Chicago 2.

Where They Play To-Day.

Chicago at Cleveland. Washington at New York.

Standing of the Clubs.

Boston Won. Lost. P.C. 59 34 .631

Philadelphia 54 40 .574

New York 46 41 .529

Cleveland 45 45 .500

Detroit 46 41 .511

St. Louis 42 49 .461

Chicago 42 50 .457

Washington 29 53 .351

At New York: For the fifth successive time Washington went down before the local American League to-day.

New York 2 0 0 0 0 10 6 16 2

Washington 0 0 0 0 0 0 0 0 1 0 3 2

Batteries: Chesbro and O'Connor; Wilson and Klitzinger. Time, 1:22. Umpire, Sheridan. Attendance, 2,200.

At Boston: Boston outclassed the Athletics here to-day.

Boston 0 0 0 0 3 0 0 1 7 10 0

Philadelphia 0 0 0 0 0 0 0 0 2 5 3

Batteries: Young and Griggs; Plank and Powers. Time, 1:38. Umpire, Hassett. Attendance, 10,108.

At Cleveland: Cleveland hit Patterson hard to-day and won easily.

Cleveland 6 2 0 5 0 10 2 3 16 2

Chicago 0 1 0 0 0 0 0 0 2 4 3

Batteries: Moore and Bemiss; Patterson and Slattery. Time, 1:27. Umpire, Connolly and O'Loughlin. Attendance, 2,197.

Southern League Scores.

Atlanta 6, Birmingham 4.

Nashville 4, Montgomery 3.

Shreveport 4, New Orleans 3.

Little Rock-Memphis, postponed, rain.

MINERS OPEN

First Session of Board of Arbitration Held in Birmingham.

(By Associated Press.)

BIRMINGHAM, Ala., Aug. 10.—The first session of the board of arbitration selected to adjust the existing differences between the coal operators and miners of Alabama was held here to-day. After the organization of the board, with Judge Flynn, president of the United Mine Workers of Alabama, the board adjourned until Thursday to give the attorneys for the operators opportunity for conference.

It has been agreed by the board to grant each side five days in which to present its case, the miners to open for three days and close with two days. The operators are represented by a vast array of legal talent, including former Secretary of the Navy, Mr. Tracy, of New York. The miners have no lawyers, their case being conducted by Edward Flynn, president of the United Mine Workers of Alabama.

Mr. Flynn opened for the miners by reading a carefully prepared statement of their demands for an increase of wages and an eight-hour day and semi-monthly pay-days. The increase of wages demanded is five cents a ton.

At the Theatres

The Casino was packed to the limit last evening, the vaudeville bill being one of the best of the season.

The applause began with the opening number and was continuous during the entire programme. It is a strictly vaudeville bill, and from the program given the public relishes a change from melodrama and farces to straight vaudeville.

The vaudeville work of Levan and Hamard was perhaps the feature of the show, with Mr. Phil Stans' "music talk," the skit of the Virginia Minstrels, the Kromas and Klein and Clifton in new dances, close up to the top. The vaudeville pictures were new and pleasing.

The bill will run all the week, with the usual Wednesday and Saturday matinees.

Promulgate Rules.

The Corporation Commission will on Thursday promulgate the rules and regulations for the government of railway and other transportation companies in the matter of demurrage and detention charges.

The rules are awaited with much anxiety by the railway companies.

Wanted as Witnesses.

Mr. W. C. Noland, one of the jurors in the riot cases decided in the Hastings Court yesterday, stated that it was in order that Newman and Hanks might appear as witnesses that he and Mr. Judge, another juror, had asked Judge Witt as to their whereabouts.

PHONES IN MANCHESTER

Ordinance Committee Adopts a Bell Franchise.

IN COUNCIL TO-NIGHT

Men Laid Off at Southern Shops—Tornado on Track—Sent to the Grand Jury—Killed by Train—Funeral. Personal and Notes.

Manchester Bureau Times-Dispatch, No. 1102 Hull Street.

Another step toward the granting of a franchise to the Bell Telephone Company was taken by the Ordinance Committee at its meeting last night. The original ordinance was amended in two minor points, and recommended to the Council for adoption.

Mr. Bradley, of the committee, will present the measure to the Council to-night.

Messrs. Fairfax Montague and R. L. Montague were present in the interests of the company, and expressed themselves as satisfied with the ordinance as amended.

Mr. Fairfax Montague said he hoped the whole matter would be settled by the end of the week.

Upon the request of the Board of Health the City Attorney was asked to prepare an ordinance compelling the owners of all property to connect with the city sewers, upon a penalty of \$5 per day, such connection remains unmade.

Other matters of a routine nature were transacted, and the council adjourned.

COUNCIL MEETING.

The regular meeting of the Common Council will be held to-night, at which a lot of important business will come up. The question of increasing the police force will be taken up, and a measure to that effect will probably be adopted.

MEN LAID OFF.

For some reason not clearly made known, but believed to be due to a scarcity of work at this time, 150 men were laid off at the Southern shops yesterday. The lay-off was only temporary. Workmen who are out of work for the present embrace carpenters, painters, tinners, etc.

It was said last night that the men would be back to work within a short while.

ELKS' MEETING.

An enthusiastic meeting of Manchester Lodge was held last night, at which a number of candidates were initiated. Other business of importance to the lodge was transacted. This lodge is in a most prosperous condition, and embraces many of the best people in the city in its ranks.

LAWN PARTY TO-NIGHT.

A lawn party will be given to-night at the residence of Mrs. Moody, at the corner of Franklin and Porter streets. Refreshments, including ice cream and other delicacies, will be served. The entertainment is to be given for the benefit of the Sewing Circle of the Bainbridge Street Baptist Church. These young ladies do an excellent work in their church and they hope their friends will come to-night and help them to do more.

UNVEILING POSTPONED.

A number of Manchester people went to Chesterfield Courthouse yesterday to participate in the ceremonies of the unveiling of the statue erected in honor of the late Mayor. The unveiling was postponed, however, until September 24, the original date fixed upon, and the Manchesterians returned somewhat disappointed.

ONLY A TORPEDO.

The report that an attempt had been made to dynamite the street car corner of Hull and Seventh Street, yesterday about noon, had little foundation. The report caused much comment and speculation.

SENT TO GRAND JURY.

The colored woman, Jennie Dudley, who was arrested Saturday night, for threatening to cut Mrs. J. W. Robertson, was sent on to the grand jury yesterday by Squire Jordan, acting for Mayor Maurice.

The woman had attempted to cut Mrs. Robertson in the street, and was arrested by George and John Hendricks, both of whom were cut, the former three times in the shoulder and side, and the latter twice. Special Officer Watts arrested her.

INSTANTLY KILLED.

The funeral of Clarence Lee Tatum, who was killed on Saturday evening, by being run over by a freight train, took place in the presence of a large number of his friends yesterday afternoon from his home, at 130 o'clock. The services were conducted by Rev. Mr. Hamilton, and the interment was in Maury cemetery.

He is survived by his mother, one sister, Mrs. R. L. Ellis, and three brothers, Messrs. Charles, Archer and Lenn.

The time he met his death young Tatum was in the act of boarding a moving train in the yards of the Atlantic Coast Line. He was formerly employed at the Locomotive Works, and was a son of the late William W. Tatum, who died by a locomotive while at work at the Old Dominion Cotton Mills.

Coroner Brodnax viewed the remains and considered an inquest unnecessary. The body was badly mangled.

The remains of Mrs. Elizabeth Condry Smith, wife of Policeman R. P. Smith, were laid to rest at 4 o'clock yesterday afternoon in Maury cemetery. The funeral was from the home.

The death of Mrs. Smith was learned with great regret, and many sorrowing friends followed the remains to their last resting place.

A beautiful floral design was sent by the fellow city employees of the bereaved husband, as a mark of loving esteem.

SMALL TALK.

George Bradley was sent to jail by Squire Jordan yesterday for stealing chickens from the home of a friend.